

## CITY OF TEMPE REQUEST FOR COUNCIL ACTION

Meeting Date: 10/18/2012  
Agenda Item: **5C2A**

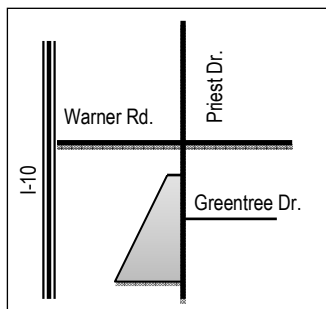
**ACTION:** Introduce and hold the first public hearing to adopt an ordinance for a Zoning Map Amendment from Agricultural District to MU-3, Mixed-Use Medium-High Density District, and a Planned Area Development Overlay, consisting of a new 3-story, 590 unit multi-family development for SOUTHWEST TEMPE REZONE located at 9010 South Priest Drive. The applicant is Huellmantel & Affiliates. The second public hearing is scheduled for November 1, 2012. **(Ordinance No. 2012.49 A)**

**FISCAL IMPACT:** While this ordinance change does not directly impact revenue, the planned development will result in collection of the standard development fees, calculated according to the approved fee structure at the time of permit issuance.

**RECOMMENDATION:** Staff approval, subject to conditions  
Development Review Commission, approval (5-2 vote) with Commissioners Webb and Delton dissenting

**BACKGROUND INFORMATION:** SOUTHWEST TEMPE REZONE (PL120261) consisting of a Zoning Map Amendment southwest of Warner Road and Priest Road for a development of a new 590 unit multi-family project and future office farm. A neighborhood meeting was held by the applicant on September 10, 2012. The request includes the following:

- ZON12005 Zoning Map Amendment from AG, Agricultural District to MU-3, Mixed-Use, Medium-High Density District (29.94 acres).
- PAD12006 Planned Area Development Overlay to establish general development standards; reduce the required vehicle parking from 1,243 to 1,129 spaces; and reduce the required bicycle parking from 437 to 327 spaces.



**Property Owner(s)**

Applicant  
Projected Land Use  
Current Zoning District  
Gross/Net site area  
Residential Density  
Total Building area  
Lot Coverage  
Building Height  
Building Setbacks  
Landscape area  
Vehicle Parking  
Bicycle Parking

Tim Crown, Crown Farms, LLC; Anglin Family LTD Partnership; Anglin Donald L Trust; Jim D. Smith Trust; and Alexandra Siegel;  
Charles Huellmantel, Huellmantel & Affiliates  
Mixed-Use, Medium-High Density (up to 25 du/ac)  
AG, Agricultural District; Southwest Tempe Overlay Dist.  
29.94 acres / 29.04 acres (Development site)  
590 dwelling units (19.7 units/acre)  
894,030 sf.  
27% (Maximum proposed per PAD 60%)  
44'-0" (Maximum allowed 50' + 25' per Overlay)  
30'-0" front, 15'-0" sides, 15'-0" rear  
42% (Minimum proposed per PAD 25%)  
1,129 spaces (Minimum required 1,243) (1,123 per PAD)  
327 spaces (Minimum required 437)

**ATTACHMENTS:** Ordinance, Development Project File

**STAFF CONTACT:** Lisa Collins, Interim Community Development Director (480-350-8989)

Department Director: Lisa Collins, Interim Community Development Director

Legal review by: Teresa Voss, Assistant City Attorney

Prepared by: Ryan Levesque, Senior Planner

**COMMENTS:**

This site is located southwest of Warner Road and Priest Drive, and east of the Interstate 10 Freeway. The request consists of a rezoning of private land adjacent to Priest Drive and east of the canal for a multi-family development, including allowance of future office use.

This request includes the following:

1. Zoning Map Amendment from AG to MU-3, Mixed-Use Medium High Density
2. Planned Area Development Overlay to set development standards and reduce the required vehicle and bicycle parking.

The Development Review Commission made a decision on the following:

3. Use Permit to allow tandem parking within garage units.
4. Development Plan Review which includes: a new multi-family development consisting of 590 residential units within three-story buildings.

For further processing, the applicant will need approval of a Preliminary and Final Subdivision Plat.

**PUBLIC INPUT**

A neighborhood meeting was held by the applicant on September 10, 2012, 6:30 p.m. at the South Tempe Police Substation. The meeting was well attended with multiple review stations set up by the applicant and representatives from Mark-Taylor Development. Staff was also in attendance. Discussions at the meeting included concerns for existing and future traffic congestion, the density for the project and the future proposed General Plan 2040, and traffic light control. Refer to summary of public comments provided by the applicant, see Attachments. As well, staff has received letters from residents provided in the attachments.

Response to the proposed recommendations from public comments:

1. The General Plan 2030 has a projected residential density of up to 25 dwelling units per acre. This project is proposing 19.7 dwelling units per acre (for 590 units). The project is consistent with the General Plan density.
2. Staff has worked with the developer to provide a greater setback for the front yard fence. The applicant has proposed a minimum 10'-0" setback for the varying wrought fence and CMU wall, and in other locations much greater. This provides generally a minimum setback from Priest Drive (street curb) of 30 feet or more in areas.
3. This project site does not have frontage off of Warner Road. Therefore, this development is unable to neither provide vehicle access to Warner Road nor utilize the adjacent canal path.
4. The project has submitted and received review of a Traffic Impact Analysis. At this time the project has not requested a warrant analysis for a signalized intersection. Traffic Engineering, at this time, is not considering restricting traffic to right turns. Conditions are provided in this report that would restrict the southernmost drive, as currently designed, to be exit only. The traffic analysis has recommended a right turn lane into the primary entrance, but is not required. The site plan does not currently reflect this request, which would reduce the amount of landscape frontage.
5. The properties proposed for General Industrial District zoning will not have access to Priest Drive. There is no building development proposed for the industrial zoning request, therefore no additional traffic will be generated.
6. As a part of this residential development request, the developer will be required to install new street lights and sidewalk improvements, along with right-of-way dedication, for the west half side of Priest Drive adjacent to the development site. Most of the opposite side of Priest is located in a County island or adjacent vacant industrial zoned land that would require such improvements at the time a development request was submitted to the City.

## **ZONING**

The General Plan 2030 for the area (east of the canal and west of Priest Drive) has a projected land use of "Mixed-Use" and projected residential density of "medium-high density residential" with up to 25 dwelling units per acre. The request from AG, Agricultural District to (MU-3) would allow up to 25 dwelling units per acre. The development plan has a proposed density of 19.7 dwelling units per acre. The mixed-use zoning district and residential density proposed are in line with the General Plan projections.

Section 6-304 C.2. Approval criteria for zoning amendment:

1. The proposed zoning amendment is in the public interest. *This project will implement the General Plan and provide a development consistent with the land use and density projection for this area.*
2. The proposed zoning amendment conforms with and facilitates implementation of the General Plan.

## **PLANNED AREA DEVELOPMENT**

Sites requesting a Mixed-Use zoning designation require a planned area development overlay to establish development standards and may modify certain general standards, such as a reduction to the required vehicle parking. The development will adhere to the MU-3 zoning standards for density (Maximum 25 du/ac) and height (maximum of 50'). The other development standards are proposed to be consistent with the R-4 multi-family district standards for setbacks, lot coverage and landscape area. With acceptance by the applicant, the development has established a front yard property wall setback, ensuring adequate landscape buffering from the arterial street.

As a result of the number of units and bedroom types, the development is required to provide, based on general parking standards, a minimum of 1,243 vehicle parking spaces. The applicant is requesting a reduction to 1,129 parking spaces. This would account for 91% of the total required parking spaces. The proposed Planned Area Development Overlay would modify the parking ratios to require a minimum of 1,123 spaces. Mark-Taylor developments have consistently requested this approximate amount of reductions in the total amount of vehicle, as well as bicycle parking requirements. All have had similar requests in the amount of reduction and consequently have also been granted relief in the total parking provided.

The applicant is also requesting a reduction in the required bicycle parking from 437 spaces to 327 spaces. The development will still provide adequate amount of exterior bike loops, available for residents and guest use. The Mark-Taylor project provides for ample locations which could accommodate a bicycle, either within a residential unit or within garage units. Mark-Taylor has discovered that most of their clients have preferred the use of storing their bicycles within the dwellings. It is the applicants desire to reduce the amount of bike loops while accommodating additional landscape for the complex.

Section 6-305 D. Approval criteria for P.A.D.:

1. The proposed land uses for residential are allowable in Part 3.
2. The development standards listed above, as established as part of the PAD Overlay District, as well as the standards allowed by use permit in Part 4 will be conformed to for development of this site.
3. The proposed PAD is in conformance with Southwest Tempe Overlay District provisions in Part 5 of the Zoning and Development Code.
4. The conditions of approval are reasonable to ensure conformance with the provisions of the Zoning and Development Code.

### **Traffic Impact Analysis**

A traffic impact analysis prepared for the proposed development on Priest Dr. south of Warner Rd was reviewed by the City's Traffic staff. The proposed project has 590 apartments which are located on the west side of the street, adjacent the Highline Canal. The project is expected to generate 3,924 external trips on an average weekday with 301 AM peak hour trips and 366 PM peak hour trips. According to the report, the site will generate an estimated 4,888 trips per day on an average Saturday. All the site traffic will use Priest Drive. The site is expected to increase traffic on the segment of Priest Drive north of Greentree Drive by approximately 11 % and on the segment south of Caroline Lane by approximately 8%. The report indicates that the southernmost drive is a full-access driveway. The site plan shows the southernmost driveway as an exit only drive. There is a gate shown on the site plan that is not 80' back from the street and there is no turn-around for vehicles that enter but can't access the gate. The southern driveway should be for exiting traffic only. Any proposed improvements referenced in the study would be the responsibility of the developer. The right turn lane at the site driveway is not required but recommended in the report.

### **Conclusion**

Based on the information provided by the applicant and the above analysis, staff recommends approval of the requested Zoning Map Amendment and Planned Area Development Overlay. This request meets the approval criteria found in each application section; therefore staff recommends approval, subject to the conditions identified herein.

### **REASONS FOR APPROVAL:**

1. The project complies with the General Plan 2030 Projected Land Use and Residential Density for this site.
2. The requested zoning district is compatible with the R-4 zoning standards at this location.
3. The PAD overlay process was specifically created to allow for greater flexibility. With the requested reduction in required parking for vehicles and bicycles, this project will provide an enhanced landscape treatment at the street front and throughout the complex.
4. The proposed project meets the approval criteria for a Zoning Map Amendment and Planned Area Development Overlay.

### **ZON12005 AND PAD12006**

#### **CONDITIONS OF APPROVAL:**

EACH NUMBERED ITEM IS A CONDITION OF APPROVAL. THE DECISION-MAKING BODY MAY MODIFY, DELETE OR ADD TO THESE CONDITIONS.

1. A building permit shall be obtained on or before November 1, 2014, or the zoning of the property may revert to that in place at the time of application, subject to a public hearing.
2. The property owner(s) shall sign a waiver of rights and remedies form. By signing the form, the Owner(s) voluntarily waives any right to claim compensation for diminution of Property value under A.R.S. §12-1134 that may now or in the future exist, as a result of the City's approval of this Application, including any conditions, stipulations and/or modifications imposed as a condition of approval. The signed form shall be submitted to the Community Development Department no later than November 31, 2012 (effective date of ordinance), or the Planned Area Development Overlay and Zoning Map Amendment approval shall be null and void.
3. The Planned Area Development Overlay shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Community Development Department prior to issuance of building permits.

**HISTORY & FACTS:**

September 18, 1975	Area annexed into the City of Tempe (Ordinance No. 775) the site automatically was zoned AG, Agricultural District.
September 10, 2012	Neighborhood meeting held by the applicant for this request.
October 9, 2012	Development Review Commission recommended approval of the Zoning Map Amendment and Planned Area Development Overlay, and approved the Use Permit to allow tandem parking and a Development Plan Review for a 590 unit multi-family development. (5-2 vote) Commissioners Webb and Delton dissenting.
October 18, 2012	City Council introduction and first public hearing for this request.
November 1, 2012	City Council second and final public hearing for this request.

**ZONING AND DEVELOPMENT CODE REFERENCE:**

Section 6-304, Zoning Map Amendment  
Section 6-305, Planned Area Development (PAD) Overlay districts  
Section 6-306, Development Plan Review